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OFFICE OF PETITIONS

In re Application of :
Seung-Hwan Moon et al. :
Application No. 10/771,797 : ON PETITION
Filed: February 4, 2004 :
Attorney Docket No. 21C-0097 :

This is a decision on the petition filed April 9, 2007, under 37 CFR 1.313(c)(2), requesting withdrawal of the above-identified application from issue.

The petition is **DISMISSED AS MOOT** for reasons stated below.

A review of the file record discloses that a Notice of Allowance was mailed on January 22, 2007, with the issue fee being due on or before April 23, 2007. The issue fee in this case has not been paid.

37 CFR 1.313(c)(2) provides for withdrawal of an application from issue after payment of the issue fee. In the instant case, as noted above, the issue fee in reply to the Notice of Allowance of January 22, 2007, has not been received. Therefore, the filing of a petition to withdraw this application from issue is unnecessary at this time. The mere filing of an RCE and submission will effectively withdraw an application from issue prior to payment of the issue fee. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue.

Telephone inquiries should be directed to Terri Williams at (571) 272-2991.

This matter is being referred to Technology Center Art Unit 2816.

Karen Creasy
Petitions Examiner
Office of Petitions